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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,532	06/23/2003	Simon Blumel	P2000,0358	9524
24131	7590	10/18/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			ALAVI, ALI	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/601,532

Applicant(s)

BLUMEL, SIMON

Examiner

Ali Alavi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 11-25 and 29-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11-22, 24, 25 and 29-35 is/are rejected.
- 7) ☒ Claim(s) 5, 6 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Applicant's amendment filed on 7/28/05 has been entered. Accordingly, claims 1, 19, and 24 have been amended. Claims 8-10, and 26-28 have been canceled. Claims 1-7, 11-25, and 29-36 are still pending in this application.

### ***Drawings***

The drawing (figure 1) was received on 7/28/05. This drawing is approved. Therefore, objection to drawings is withdrawn.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-11, 19-22, and 24-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Keuper et al (US Pat. No 5,947,587).

Keuper discloses an optical signal transmitter device, comprising: a base plate (6, fig. 1), at least two light elements (4, fig. 1) located on said base plate in a configuration for solely defining a specific predetermined emission characteristic and a condenser (7) configured on an optical axis at a fixed distance away from said light elements for projecting light emitted from said light elements infinity (fig. 1), said condenser has a focal plane and said light elements are located slightly away from said

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focal plane of said condenser (focal 8, is away from the LEDs), the condenser has a focal plane, said light elements are located on said focal plane of said condenser said condenser has a configuration of optical structures for deliberate defocusing (fig. 1), wherein said condenser has a surface facing said light elements and said optical structures are configured on said surface (fig. 1), are convex surface (fresnel lens) spherical lenses that each have a each of said optical structures are fitted on said surface of surface faces said light said condenser such elements; and that said convex said optical structures each have a focal length that short and said in comparison with a condenser, said condenser a Fresnel lens (col. 3, line 50), the light elements are LEDS (4, col. 3, line 53), said light elements are LED semiconductor bodies fitted directly to said base plate (fig. 1), base plate is a panel (5, fig. 1).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-18, and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keuper in view of Masami et al (4,729,076)

Keuper discloses the claimed invention as applied above except for the heat sink and the light elements are electrically connected in series or in parallel. Shimizu discloses a LED illumination apparatus including a heat sink for dissipating heat

generated from the LEDs and further discloses that the multi colored LEDs are connected in parallel or series in groups and can be activated independently in order to generate a desired color of illumination. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a heat sink in the system of Keuper for dissipate heat generated from the plurality of LEDs from the housing in order to increase the life expectancy and light output of the LEDs.

### ***Allowable Subject Matter***

Claims 5, 6, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. "...said optical structures are spherical lenses that each have a convex surface, each of said optical structures are fitted on said surface of said condenser such that said convex surface faces said light elements, and said optical focal length that is short in comparison with a distance between said base plate and said condenser."

### ***Response to Arguments***

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., light elements selected from the group consisting of SMT-compatible LEDS and LED semiconductor bodies fitted directly to said base plate;....and not to the surface of the base plate) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into

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the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).


Therefore rejection of claims 1-4, 7-11, 19-22, 24-29 remains as stand.

Applicant's arguments, see remarks page 16-17, filed on 7/28/05, with respect to claims 12-18, and 30-35 have been fully considered and are persuasive. The rejection of claims 12-18, and 30-35 has been withdrawn. Claims 12-18, and 30-35 are rejected under new grounds of rejection.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Ali Alavi whose telephone number is (571) 272-2365. The examiner can normally be reached between 7:00 A.M. to 5:30 P.M. Tuesday to Friday. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached at (571) 272-2378 or you may fax your inquiry to the **Central Fax** at (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**ALI ALAVI**  
**PRIMARY EXAMINER**